

Case 1:14-cv-03020-LTS-AJP Document 103 Filed 04/17/17 Page 1 of 2

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April 17, 2017

Re: Deutsche Bank National Trust Company, solely in its capacity as Trustee for the Morgan Stanley Structured Trust I 2007-1 v. Morgan Stanley Mortgage Capital Holdings LLC.
No. 14 Civ. 3020 (LTS) (AJP)

The Honorable Laura Taylor Swain
United States District Judge
Daniel Patrick Moynihan United States Courthouse
New York, New York 10007

Dear Judge Swain:

I represent the defendant in the above-captioned matter and write regarding the deadlines for expert depositions and dispositive pre-trial motions under the scheduling order entered in this matter (Dkt. 53 ¶3). We have conferred with counsel for the plaintiff who have reviewed this letter.

Defendant intends to move for summary judgment. Plaintiff does not anticipate moving for summary judgment and has informed the defendant that it intends to request shortly in a separate letter that the Court defer the summary judgment deadlines and proceed with trial in this case. Defendant disagrees with that position, and because its motion for summary judgment will include arguments that defendant believes would dispose of the entire case (as well as arguments that would substantially alter the nature and scope of any trial as well as pre-trial preparations and motions), defendant intends to file a motion to stay pre-trial proceedings pending the Court's disposition of its summary judgment motion, in accordance with paragraph 3 of the scheduling order in this case and this Court's statements at the May 15, 2015 pretrial conference (Dkt. 54 at 6:12-7:1). The parties are scheduling a time to meet and confer regarding the issues that defendant intends to raise in its summary judgment motion, plaintiff's request to proceed directly to trial, and defendant's intent to file a stay motion along with its summary judgment motion.

In light of the impending deadline for dispositive pre-trial motions, to the extent the parties proceed with summary judgment briefing, defendant requests that the deadline for Morgan Stanley's brief be extended by 10 days, from April 28, 2017 to May 8, 2017, and that the deadlines for plaintiff's opposition (45 days after defendant's brief is filed, i.e., June 22, 2017) and defendant's reply (30 days from the date plaintiff's brief is filed, i.e., July 24, 2017) be adjusted accordingly. Defendant requests this short extension because the deposition of plaintiff's reunderwriting expert, which was scheduled for April 6, had to be adjourned shortly before the deposition because the witness had to attend a funeral, and the next available date for the

Case 1:14-cv-03020-l TS-AJP Document 103 Filed 04/17/17 Page 2 of 2

Hon. Laura Taylor Swain

2

April 17, 2017

parties and the witness was April 25, just three days before the summary judgment deadline.¹ Plaintiff does not object to defendant's request. This is the first request for an extension of this deadline.

Additionally, in light of the number and complexity of the issues to be addressed, the defendant requests an enlargement of the page limitations for the memoranda of law to be filed in connection with defendant's motion for summary judgment to 40 pages for moving and opposition briefs and 20 pages for reply. Plaintiff does not object to this request.

We thank the Court for its consideration.

Respectfully Submitted,


/s/ Brian S. Weinstein

Brian S. Weinstein

cc: Counsel of Record

*The requested briefing schedule
and page extension requests
are granted. DE #103
Resolved.*

SO ORDERED:

 4/17/17
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

¹ Judge Peck previously granted the parties an extension of time to take a few expert depositions after the March 31, 2017 deadline, including the deposition of plaintiff's reunderwriting expert. The parties respectfully request that the Court grant a similar extension of time to May 5, 2017 to take the deposition of defendant's damages expert. That deposition was scheduled for April 5, but had to be rescheduled because plaintiff's counsel could not make it to the witness' location in time to take the deposition on the scheduled date due to unforeseen weather-related delays at the airport. The next available date for the parties and the witness is May 5, 2017.